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9
10 **BEFORE THE**
11 **OFFICE OF ADMINISTRATIVE HEARINGS**
STATE OF CALIFORNIA

12 **WILLIAM PRASIFKA,**
Executive Director,
13 Medical Board of California
Department of Consumer Affairs,
14 State of California

15 *Petitioner,*

16 *v.*

17 **ROBERT MICHAEL ELLIOTT, M.D.**
3001 E. Tahquitz Canyon Way, Suite 104
18 Palm Springs, CA 92262-6900

19 Physician's and Surgeon's Certificate
20 No. G 29258,

21 *Respondent.*

Case No. 800-2020-066737

OAH No. 2021100147

**STIPULATION OF THE PARTIES RE
INTERIM ORDER OF SUSPENSION
AND ORDER**

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23 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 **PARTIES**

26 1. Petitioner William Prasifka is the Executive Director of the Medical Board of
27 California and is represented in the above-entitled matter by Rob Bonta, Attorney General of the
28 State of California, by Deputy Attorney General LeAnna E. Shields.

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2. Respondent Robert Michael Elliott, M.D., is represented in this proceeding by David R. Flyer, Esq., with Flyer & Flyer, APLC, whose address is 4120 Birch Street, Suite 101, Newport Beach, CA 92660.

JURISDICTION

3. On or about May 16, 1975, the Medical Board of California issued Physician's and Surgeon's Certificate No. G 29258 to Respondent Robert Michael Elliott, M.D. (Respondent). The Physician's and Surgeon's Certificate is in full force and effect and will expire on March 31, 2023, unless renewed.

4. Pursuant to the provisions of Government Code section 11529, an administrative law judge of the Medical Quality Hearing Panel established pursuant to Government Code section 11371 may issue an interim order suspending a license, or imposing drug testing, continuing education, supervision of procedures, or other license restrictions. Interim orders may be issued only if the affidavits in support of the petition show that the licensee has engaged in, or is about to engage in, acts or omissions constituting a violation of the Medical Practice Act or the appropriate practice act governing each allied health profession, or is unable to practice safely due to a mental or physical condition, and that permitting the licensee to continue to engage in the profession for which the license was issued will endanger the public health, safety, or welfare.

FACTUAL BASIS FOR INTERIM ORDER OF SUSPENSION

5. Respondent admits that he presently suffers from both a physical and mental illness/condition that impairs his ability to practice medicine safely at this time.

WAIVERS

6. Respondent is fully aware of his right under Government Code section 11529, subdivision (c), to a noticed hearing on the issue of whether an interim order of suspension should be issued in the above-entitled matter, and all other rights accorded to him under Government Code section 11529, subdivision (d), at which he is entitled, at a minimum, to all the following rights:

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1 (a) To be represented by counsel.

2 (b) To have a record made of the proceedings, copies of which may be obtained by the
3 licensee upon payment of any reasonable charges associated with the record.

4 (c) To present written evidence in the form of relevant declarations, affidavits, and
5 documents. The discretion of the administrative law judge to permit testimony at the
6 hearing conducted pursuant to this section shall be identical to the discretion of a superior
7 court judge to permit testimony at a hearing conducted pursuant to Section 527 of the
8 Code of Civil Procedure.

9 (d) To present oral argument.

10 7. Having the benefit of counsel, Respondent hereby knowingly, intelligently, freely
11 and voluntarily waives and gives up each and every one of the rights set forth and/or referenced in
12 paragraph 6, above.

13 8. Respondent is fully aware of all of his rights under Government Code section
14 11529, subdivisions (f) and (g), which state as follows:

15 "(f) In all cases where an interim order is issued, and an accusation is
16 not filed and served pursuant to Sections 11503 and 11505 within 30 days of the
17 date in which the parties to the hearing on the interim order have submitted the
18 matter, the order shall be dissolved. Upon service of the accusation the licensee
19 shall have, in addition to the rights granted by this section, all of the rights and
20 privileges available as specified in this chapter. If the licensee requests a hearing
21 on the accusation, the board shall provide the licensee with a hearing within 30
22 days of the request, unless the licensee stipulates to a later hearing, and a decision
23 within 15 days of the date the decision is received from the administrative law
24 judge, or the board shall nullify the interim order previously issued, unless good
25 cause can be shown by the Division of Medical Quality for a delay.

26 "(g) Where an interim order is issued, a written decision shall be
27 prepared within 15 days of the hearing, by the administrative law judge, including

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findings of fact and a conclusion articulating the connection between the evidence produced at the hearing and the decision reached."

9. Having the benefit of counsel, Respondent hereby knowingly, intelligently, freely and voluntarily waives and gives up each and every one of the rights set forth and/or referenced in paragraph 8, above.

10. Having the benefit of counsel, Respondent hereby knowingly, intelligently, freely and voluntarily waives and gives up his right to the expedited filing of an accusation, an expedited hearing on the accusation, and an expedited issuance of a proposed decision, all of which he is entitled to under Government Code section 11529, subdivisions (f) and (g).

ADDITIONAL PROVISIONS

11. The parties hereby stipulate that all proceedings in the above-entitled Interim Order of Suspension matter shall be conducted at the Office of Administrative Hearings located in San Diego, California.

12. The parties further stipulate that copies of this Stipulation of the Parties re Interim Order of Suspension and Order, including copies of signatures appearing thereon, may be used in lieu of original documents and signatures and, further, that such copies and signatures shall have the same force and effect as originals.


Dated: 10/27/21


ROBERT MICHAEL ELLIOTT, M.D.
Respondent

Dated: 10/25/21


DAVID R. FLYER, ESQ.
Attorney for Respondent

Dated: 10/27/2021

ROB BONTA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General

By LEANNA E. SHIELDS
Deputy Attorney General
Attorneys for Petitioner

1 **INTERIM ORDER OF SUSPENSION**

2 Based on the foregoing stipulations and agreements, an Interim Order of Suspension is
3 hereby issued immediately suspending Physician's and Surgeon's Certificate No. G 29258
4 heretofore issued by the Medical Board to Respondent Robert Michael Elliott, M.D., and,
5 accordingly, Respondent is hereby immediately prohibited from practicing medicine in the State
6 of California pending further order from the Office of Administrative Hearings. Any motion to
7 vacate this Interim Order of Suspension shall be filed in accordance with the provisions of Title 1,
8 California Code of Regulations, sections 1006 and 1022. However, no such motion may be heard
9 on an *ex parte* basis and any motion to vacate this Interim Order of Suspension shall be served on
10 Complainant's counsel and filed with the Office of Administrative Hearings no less than thirty
11 (30) business days prior to any hearing on the motion. Once served and filed, no such motion
12 shall be decided without first affording the parties the opportunity to present oral argument.

13 IT IS SO ORDERED this ____ day of 10/27/2021, 2021.

14 Donald P. Cole
15 Donald P. Cole (Oct 27, 2021 15:04 PDT)

16 ADMINISTRATIVE LAW JUDGE
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